

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

JESSE DANIELS,

Plaintiff,

v.

Case No: 5:20-cv-97-Oc-30PRL

ERIC SMITH, STATE OF FLORIDA
DEPARTMENT OF EDUCATION,
BAMBI LOCKMAN, MARGARET
SMITH, VOLUSIA COUNTY SCHOOL
BOARD, WILLIAM MEAD, TRACIA
CULVER, WILLIAM FINK, PATRICIA
GIBSON, LAURA HAYNES,
KATHRYN KISTLER-HARRIS,
JENNIFER TYSER and FNU NORMAN,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Dkt. 7). The Court notes that Plaintiff was granted until April 22, 2020 to file an amended complaint. (Dkt. 6). Plaintiff has failed to file an amended complaint, and the time for doing so has expired. The Court further notes that written objections to the Report and Recommendation were not filed and the time for filing such objections has elapsed.

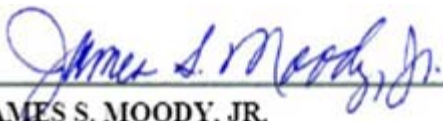
In the Report and Recommendation, the Magistrate Judge concluded that this action should be dismissed under 28 U.S.C. § 1915(e)(2) because Plaintiff's Complaint does not comply with Federal Rules of Civil Procedure 8 and 10(b) and Plaintiff's challenge of an

administrative proceeding that occurred in 2009 is untimely. After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 7) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Plaintiff's motion to proceed in forma pauperis and to appoint counsel (Dkt. 3) is DENIED.
3. Plaintiff's Complaint (Dkt.1) is DISMISSED.
4. All pending motions are denied as moot.
5. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida, this 13th day of May, 2020.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record